

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

OBED TELLEZ-LOPEZ,

Defendant.

NO. CR-04-235-LRS

**PRE-TRIAL ORDER**

A pre-trial conference was conducted in this matter on October 28, 2008. Timothy J. Ohms, Esq., appeared for the Government. John H. Loeffler, Esq., appeared for Defendant. For the reasons stated by the court at the pre-trial conference:

1. Defendant's Motion To Dismiss (Ct. Rec. 37) is **DENIED**.

2. Defendant's Motion For Discovery (Ct. Rec. 32) is **DISMISSED as moot**.

3. Defendant's oral Motion To Continue is **GRANTED** based on the government having no objection thereto and the Defendant agreeing to waive Speedy Trial time.

**IT IS HEREBY ORDERED:**

1. The Court finds that failure to grant a continuance would result in a miscarriage of justice and would deny counsel for the Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8). The Court therefore finds that the ends of

1 justice served by granting a continuance in this matter outweigh the best interest of  
2 the public and the Defendant in a speedy trial. *See* 18 U.S.C. §§ 3161(h)(8)(A).

3 2. Any additional pretrial motions, including motions *in limine*, must be  
4 filed and served **NO LATER THAN December 2, 2008.**

5 3. A **Pretrial Conference** will be held on **December 16, 2008 at 2:30**  
6 **p.m. in Spokane, Washington.** The Court will hear all pretrial motions, including  
7 motions *in limine*.

8 4. Trial briefs, requested voir dire, and joint proposed jury instructions shall  
9 be filed and served **NO LATER THAN January 5, 2009.** Joint jury instructions  
10 should only address issues that are unique to this case, and shall include  
11 instructions regarding the elements of each claim or defense, and a proposed  
12 verdict form.

13 5. The **jury trial** is **RESET** from November 18, 2008 to **January 12, 2009**  
14 **at 1:00 p.m. in Spokane, Washington. Counsel shall meet with the Court in**  
15 **Chambers at 12:30 p.m. on the day of trial. Any motions unaddressed at the**  
16 **pretrial conference shall be heard in open court on the day of trial at 12:30**  
17 **a.m., at which time Defendant shall be present.**

18 6. Pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), the Court **DECLARES**  
19 **EXCLUDABLE from Speedy Trial Act calculations** the period from October  
20 28, 2008, the date Defendant filed his motion for continuance, through **January**  
21 **12, 2009**, the new date of the trial, as the period of delay granted for adequate  
22 preparation by counsel.

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**IT IS SO ORDERED.** The District Court Executive is directed to enter this order and to provide copies to all counsel, the U.S. Probation Office, the U.S. Marshal, and the Jury Administrator.

**DATED** this 30th day of October, 2008.

*s/Lonny R. Suko*

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LONNY R. SUKO  
United States District Judge